THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.20431 OF 2007

DATED: 12-11-2007

BETWEEN

Merugu Durgaiah, S/o. Mallaiah,
Occ: Agriculturist, R/o. Chinthakunta
Village, Karimnagar Mandal and
District.

...PETITIONER

AND

The District Collector,
Karimnagar District,
Karimnagar and others.

...RESPONDENTS

ORDER:

Petitioner submits that he was a freedom fighter and belongs to Scheduled Caste and he has been assigned an extent of Ac.1.00 guntas of land in Sy.No.142 and an extent of Ac.1.20 guntas of land in Sy.No.98 of Chintakunta Village, Karimnagar Mandal and District.

He has been cultivating the said land by digging a bore-well and has taken service connection from the Electricity Board. While so, the said land is sought to be resumed to the Government custody by the respondent authorities on the ground that the said land is required for Rajiv Gruha Kalpa.

He further submits that no legal action has been initiated in dispossessing him either under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 or under the provisions of the Andhra Pradesh Land Encroachment Act, 1905 and without following due process of law, he is sought to be dispossessed.

2. Petitioner has not filed any documents relating to the assignment of the said lands in his favour. Therefore, I am not inclined to express any opinion as to whether the petitioner is the assignee of the said land or he is only an encroacher. However, it is stated that the petitioner has made a representation before the Tahsildar/Mandal Revenue Officer – third respondent on 27.10.2007 either to allot an alternative land or pay compensation/ex-gratia for the said lands.

3. Having regard to the facts and circumstances of the case and without expressing any opinion on the merits of the case, the third respondent is directed to consider and dispose the representation of the petitioner dated 27.10.2007 in accordance with law as expeditiously as possible without any unnecessary delay.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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V. ESWARAIAH, J

November 12, 2007
Note: Furnish C.C. of the order by 15.11.2007
(**B**/**o**)
DSK